

AUSA Assigned: STJ

Re: Criminal Complaint MIREYA HERNANDEZ

Jun 14, 2017

SEAN F. McAVOY, CLERK

County: Spokane

AFFIDAVIT

STATE OF WASHINGTON)
)
) ss
County of Spokane)

Jennifer I. Banks, Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, deposes and states as follows:

I. INTRODUCTION AND AFFIANT BACKGROUND:

1. I, Jennifer I. Banks, Special Agent of the Federal Bureau of Investigation (FBI). I am currently assigned to the Seattle Field Division. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and am empowered by law to conduct investigations and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. I am currently employed as a Special Agent with the Federal Bureau of Investigation (FBI) where I have assigned to the Spokane Resident Agency since October 2012. I was previously assigned to the Washington and Baltimore Field

Offices. I have been employed with the FBI since February 2003 and have been responsible for investigating violations of federal law including violent crimes, white collar crimes, and violations of the Controlled Substances Act. I have participated in the execution of numerous search warrants and arrest warrants involving violent crime and drug offenses and gathering drug and non-drug related evidence.

3. I have received training in criminal investigations involving drug trafficking and I am familiar with the methods used by drug trafficking organizations to import, manufacture, and distribute controlled substances and to launder drug trafficking have received training in state and federal law enforcement and investigations. I have been assigned duties which have included and involved, but were not limited to, investigating the possession and distribution of substances listed within the Controlled Substance Act, executing search/arrest warrants involving drug offenses, gathering drug and non-drug evidence, supervising and using cooperating individuals, monitoring drug related conversations, and testifying in state and federal court.

4. Additionally, I have participated in over one hundred criminal investigations involving drug trafficking. This participation included acting as the case agent and assisting other law enforcement officers. Through this participation, I have gained

an understanding of the manner in which controlled substances are imported, manufactured, and/or distributed, and the various roles members of such organizations serve in furtherance of the organization's drug trafficking and money laundering activities.

5. I have knowledge of the following information based on my own observations and investigation as well as information that I have learned from other law enforcement officers, including, but not limited, verbal discussions with other law enforcement officers named in this Affidavit. I have also reviewed reports prepared by other officers and participated in physical surveillance of individuals believed to be involved in this investigation.

II. INDIVIDUAL TO BE CHARGED:

6. This affidavit is also being submitted in support of criminal complaints and arrest warrants charging the below individuals with the following violations of United States Code. I have not included every fact known to me concerning this investigation. Instead, I have set forth a full and complete statement of the material facts, pursuant to *18 U.S.C. § 2518(1)*, that are pertinent to this Court's determination of probable cause and necessity.

a. MIREYA HERNANDEZ, DOB December 26, 1965, in violation of 21 U.S.C. § 846, and

III. PROBABLE CAUSE STATEMENT

7. On June 13, 2017, at approximately 9:53 a.m., a traffic stop was initiated on Marcos Ramirez-Mercado while he was driving a black Honda Accord, bearing Washington license AIV4018, registered to EDSON MARCOS RAMIREZ. Ramirez-Mercado was an illegal alien for whom removal procedures had been initiated by Customs and Border Protection (CBP). During the traffic stop Ramirez-Mercado provided his current address of 1116 Ledwich, Yakima, Washington and a telephone number 509-952-7402 where his wife, MIREYA HERNANDEZ' could be contacted.

8. On June 13, 2017, at approximately 11:05 a.m., the Honda Accord in which Ramirez-Mercado was stopped was searched. Among other items, approximately 7 pounds of suspected cocaine were discovered concealed in three different Beadex drywall compound boxes. The cocaine was also wrapped in green plastic wrap, Clorox wipes and brown packing tape.

9. On June 13, 2017, at approximately 3:00 p.m. TFO Kittilstved and TFO Presta began reviewing jail calls for Marcos Ramirez-Mercado with FBI Linguist Fernando Lopez. Linguist Lopez gave us the information Spanish translations¹

¹ As used in this affidavit, “informal Spanish translation” means a translation made by a linguist that the linguist believes to be accurate, but not one that has been peer-reviewed or that was created from a word-by-word transcription of the

for the jail calls as detailed below.

10. On June 13, 2017, at 2:46 p.m., a telephone call from Marcos Ramirez-Mercado to 509-952-7402, a number identified by the jail to be used by MIREYA HERNANDEZ. Linguist Lopez provided the following summary of that telephone call: [Beginning of Call] *Hernandez answers and tells Mercado that [UI] helped her put fifty dollars in the account. Mercado tells her to calm down and she asks what she will do now. Hernandez then asks what he would like for her to do. Mercado tells her to “clean down below” and for her to go for Marcos so the car can be located and picked up. She asks if the car is in Spokane, he agrees. Mercado says that he is currently in county. Hernandez says she will call the lawyer and Marcos. Mercado tells Hernandez to call Juanita [LNU] because she has Elario’s number where Marcos is at so that Marcos can leave and go for the car. Mercado adds that he is unsure where the car is at, but that the things are in the car, Hernandez replies that she knows. Mercado instructs her to wash the carpet down below. Mercado talks about being sent to Tacoma. Mercado repeats for the car to be picked up. Mercado says for her to clean up, Hernandez says what, Mercado repeats for her to clean down below.* [End of Call]

11. Based on my training and experience working this investigation I believe

communication.

Ramirez-Mercado is directing HERNANDEZ to “clean up” or to move contraband which is present “down below” or in the basement of their home. Ramirez-Mercado also told HERNANDEZ to find “Marcos,” whom I believe is a reference to their son EDSON MARCOS RAMIREZ. Ramirez-Mercado wants RAMIREZ to come to Spokane to assist in retrieving the black Honda Accord which contained “the things,” a reference to the controlled substances in the vehicle. HERNANDEZ acknowledged knowing about the “things” in the vehicle.

12. On June 13, 2017, at 2:46 p.m., a telephone call from Marcos Ramirez-Mercado to 509-952-7402, a number identified by the jail to be used by MIREYA HERNANDEZ. Linguist Lopez provided the following summary of that telephone call: [Beginning of Call] *Mercado asks Hernandez if Marcos has answered, she says Marcos has and is on his way over to see where his car is at. She says that Marcos called the Sheriff and they don't know where Mercado's car is at. She then says that Nando has arrived so that Nando can take out [UI].* *Mercado says to watch out. Hernandez says that Juanita will be taking Marcos because Hernandez does not know if he has a car and for Marcos not to get in a fight with the police. She adds that Marcos wants to go to Spokane now to find out what happened to Hernandez. She says that Marcos does not have a phone and that Ricky had looked Hernandez and he has an immigration hold. They*

discuss the plate number. [Small talk about the neighbors]. Mercado asks if she has moved the stuff from the bottom. She says she is trying and that she has had about a thousand calls. [End of Call].

13. Based on my training and experience working this investigation I believe that during this HERNANDEZ updated Ramirez-Mercado that “Nando,” a common reference to the first name “Fernando,” has arrived at the residence, presumably to assist with moving contraband. “Nando” was later identified as Fernando Mercado Ramirez. Ramirez-Mercado again inquires if HERNANDEZ has “moved the stuff from the bottom” to which she replied she was trying and has had a “thousand calls.”

14. On June 13, 2017, at approximately 4:30 p.m., agents from the Yakima Violent Crime Safe Streets Task Force responded 1116 Ledwich Avenue, Yakima, Washington, the home residence of Marcos Ramirez-Mercado. I reviewed an email from SA Orth summarizing the events which occurred during their response. Upon arrival, SA Ribail drove past the residence and observed no one outside. SA Ribail set up for surveillance and observed a male and female, each with a child, moving towards the yellow Nissan Sentra, bearing Washington license BBD6224, parked in front of the residence. At this time, SA Eric Christensen also arrived on scene. SA Christensen observed a male, female and two children in the front of the

house, moving towards the street. SA Ribail and Christensen exited vehicles and detained the people in the yard as it was believed they were facilitating the removal of evidence from the residence.

15. MIREYA HERNANDEZ was observed exiting the residence and was detained. SA Terami arrived and assisted SA Ribail and SA Christensen in securing the scene. SA Ribail informed HERNANDEZ that the FBI was present and seizing the house due to jail calls made from jail discussing removing items of evidence from the house. HERNANDEZ then stated something to the effect of "I'm the only one that talked to him." HERNANDEZ then invoked her Miranda rights. She provided her driver's license to SA Ribail, who confirmed the woman was MIREYA HERNANDEZ.

16. SA Orth arrived and executed a search warrant on the residence. Upon locating a locked door to the basement, SA Terami asked MIREYA HERNANDEZ for the keys. HERNANDEZ provided the keys to the locked door to SA Orth. She then stated that we would "find what we were looking for behind the door, it's right there."

17. During the search of the house, the following items were located (not inclusive): Green plastic wrap, Clorox wipes, Six bundles of cash with "30" on the outside, One ammo case of cash with "355" on the outside, Folgers can full of

cash, smaller container of cash, One suspected package of narcotics, in green plastic wrap, four long guns, five pistols, two digital scales, boxes of ammunition, and ammunition clips. Specifically, behind the door to the basement, agents located an open safe containing suspected narcotics, one green plastic-wrapped package containing cash and an metal ammunition box containing cash. Next to the safe was a suitcase filled with five packets of green plastic-wrapped cash. I believe that HERNANDEZ, with the assistance of other individuals at the residence were in the process of moving cash and narcotics into the suitcase to remove from the house.

Respectfully submitted:



Jennifer I. Banks, Special Agent, FBI

- Sworn to before me and signed in my presence.
 Sworn to telephonically and signed electronically
this 14th day of June, 2017.

John T. Rodgers
United States Magistrate Judge

